

## Whitaker Declaration

### Exhibit C



# 2013 Report of the Economic Survey

## OVERVIEW

The American Intellectual Property Law Association (AIPLA) has released the results of its 2013 survey. Below are the average costs of litigation reported for patent, trademark and copyright infringement and trade secret misappropriation. Also reflected in this year's report are the average costs associated with defending against patent claims brought by non-practicing entities (NPEs).

These costs reflect five levels of amounts in controversy; through the end of discovery and through trial. The costs consist of outside and local counsel, associates, paralegal services, travel and living expenses, fees and costs for court reporters, copies, couriers, exhibit preparation, analytical testing, expert witnesses, translators, surveys, jury advisors, and similar expenses. Following are the average intellectual property litigation costs\* (USD):

### Patent Infringement (all varieties)

Amount in Controversy	End of Discovery	Through Trial
< \$1M	\$530K	\$970K
\$1M-\$10M	\$1.2M	\$2.1M
\$1M-\$25M	\$1.7M	\$2.8M
\$10M-\$25M	\$2.2M	\$3.6M
>\$25M	\$3.6M	\$5.9M

### Trademark Infringement

Amount in Controversy	End of Discovery	Through Trial
< \$1M	\$202K	\$375K
\$1M-\$10M	\$473K	\$794K
\$1M-\$25M	\$676K	\$1.1M
\$10M-\$25M	\$912K	\$1.4M
>\$25M	\$1.3M	\$2.0M

### Patent (defending against NPEs)

Amount in Controversy	End of Discovery	Through Trial
< \$1M	\$516K	\$820K
\$1M-\$10M	\$988K	\$1.6M
\$1M-\$25M	\$1.3M	\$2.0M
\$10M-\$25M	\$1.7M	\$2.7M
>\$25M	\$2.9M	\$4.4M

### Copyright Infringement

Amount in Controversy	End of Discovery	Through Trial
< \$1M	\$216K	\$373K
\$1M-\$10M	\$415K	\$710K
\$1M-\$25M	\$637K	\$1.0M
\$10M-\$25M	\$825K	\$1.3M
>\$25M	\$1.3M	\$2.1M

### Trade Secret Misappropriation

Amount in Controversy	End of Discovery	Through Trial
< \$1M	\$321K	\$581K
\$1M-\$10M	\$700K	\$1.2M
\$1M-\$25M	\$963K	\$1.6M
\$10M-\$25M	\$1.2M	\$2.1M
>\$25M	\$2.3M	\$3.8M

\*The above figures exclude any costs related to associated settlements and/or damages